

305 U.S. Cases Disposed of Without Consideration by the Court.

CASES DISPOSED OF WITHOUT CONSIDERATION BY THE COURT THROUGH JANUARY 16, 1939.

No. 74. *UPDIKE GRAIN CORP. v. MEGAN, TRUSTEE*. Petition for writ of certiorari to the Circuit Court of Appeals for the Eighth Circuit. July 29, 1938. Dismissed per stipulation pursuant to Rule 35. *Mr. Alfred G. Ellick* for petitioner. *Messrs. William T. Faricy and Wymer Dressler* for respondent. Reported below: 94 F. 2d 551.

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No. 258. *MORGANSTEIN v. UNITED STATES*. Petition for writ of certiorari to the Court of Appeals for the District of Columbia. September 19, 1938. Dismissed per stipulation pursuant to Rule 35. *Mr. Josiah Lyman* for petitioner. No appearance for the United States.

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No. 27. *TENNESSEE ELECTRIC POWER CO. ET AL. v. TENNESSEE VALLEY AUTHORITY ET AL.* Appeal from the District Court of the United States for the Eastern District of Tennessee. October 3, 1938. Appeal dismissed as to appellants Tennessee Public Service Co. and Holston River Electric Co., on motion and stipulation signed by counsel for all appellants and the Government. *Messrs. R. T. Jackson, Charles C. Trabue, and Charles M. Seymour* for appellants. *Solicitor General Jackson, and Messrs. James Lawrence Fly, John Lord O'Brian, Paul A. Freund, and William C. Fitts, Jr., and Bessie Margolin* for appellees. Reported below: 21 F. Supp. 947.

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No. 85. *HAYWOOD-WAKEFIELD Co. v. SMALL ET AL.* Petition for writ of certiorari to the Circuit Court of Appeals for the First Circuit. October 3, 1938. Dismissed

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on motion of counsel for petitioner. *Mr. George L. Barnes* for petitioner. *Mr. Herbert W. Kenway* for respondents. Reported below: 96 F. 2d 496.

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No. 146. *PERRY v. KANSAS*; and

No. 151. *BOLLER v. SAME*. Appeals from the Supreme Court of Kansas. October 3, 1938. Dismissed on motion of counsel for the appellants. *Messrs. C. L. Kagey, L. M. Kagey, and Hal M. Black* for appellants. No appearance for appellee. Reported below: 147 Kan. 319, 651; 76 P. 2d 818; 77 P. 2d 950.

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No. 271. *WALLACE RANCH WATER CO. v. FOOTHILL DITCH Co.* Appeal from the District Court of Appeal, 4th Appellate District, of California. October 3, 1938. Dismissed on motion of counsel for appellant. *Messrs. Alex W. Davis and Robert B. Murphey* for appellant. No appearance for appellee. Reported below: 25 Cal. App. 2d 555; 78 P. 2d 215.

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No. 27. *TENNESSEE ELECTRIC POWER CO. ET AL. v. TENNESSEE VALLEY AUTHORITY ET AL.* Appeal from the District Court of the United States for the Eastern District of Tennessee. October 10, 1938. Appeal dismissed as to appellant, Kentucky-Tennessee Light & Power Co., on motion and stipulation signed by counsel for all appellants and the Government. *Messrs. R. T. Jackson, Charles C. Trabue, and Charles M. Seymour* for appellants. *Solicitor General Jackson, and Messrs. James Lawrence Fly, John Lord O'Brian, Paul A. Freund, and William C. Fitts, Jr., and Bessie Margolin* for appellees. Reported below: 21 F. Supp. 947.

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NO. 27. *TENNESSEE ELECTRIC POWER CO. ET AL. v. TENNESSEE VALLEY AUTHORITY ET AL.* Appeal from the District court of the United States for the Eastern District of Tennessee. November 15, 1938. Appeal dismissed as to appellant, West Tennessee Power & Light Company, on motion and stipulation signed by counsel for all appellants and the Government. *Messrs. R. T. Jackson, Charles C. Trabue, and Charles M. Seymour* for appellants. *Solicitor General Jackson, and Messrs. James Lawrence Fly, John Lord O'Brian, Paul A. Freund, and William C. Fitts, Jr., and Bessie Margolin* for appellees. Reported below: 21 F. Supp. 947.

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NO. 120. *BUCSI v. LONGWORTH BUILDING & LOAN ASSN. ET AL.* Appeal from the Court of Errors and Appeals of New Jersey. November 17, 1938. Appeal dismissed on motion of counsel for the appellant. *Mr. Saul Nemser* for appellant. *Mr. John Warren* for appellees. Reported below: 119 N. J. L. 120; 194 A. 857.

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NO. 23. *STEELMAN, TRUSTEE IN BANKRUPTCY, v. ALL CONTINENT CORPORATION ET AL.* December 12, 1938. Certiorari, 304 U. S. 554, to the Circuit Court of Appeals for the Third Circuit dismissed with costs on motion of counsel for the petitioner. *Mr. Wm. Elmer Brown, Jr.* for petitioner. *Mr. Clarence L. Cole* for respondents. Reported below: 96 F. 2d 20.

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NO. 417. *SAXE v. SHEA, ADMINISTRATOR.* January 12, 1939. Certiorari, *ante*, p. 589, to the Circuit Court of Appeals for the Second Circuit. Dismissed and mandate ordered to issue forthwith on motion of counsel for the petitioner. *Mr. Thomas D. Thacher* for petitioner.

*Solicitor General Jackson, Assistant Attorney General Morris, and Messrs. J. Louis Monarch, Berryman Green, and Warner W. Gardner* for respondent. Reported below: 98 F. 2d 83.

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NO. 277. *MARTIN ET AL. v. FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION.* January 16, 1939. Certiorari, *ante*, p. 564, to the Circuit Court of Appeals for the Seventh Circuit. Dismissed on motion of counsel for the petitioners. *Messrs. Leo E. Vaudrevil*, Assistant Attorney General of Wisconsin, and *Joseph P. Brazy* for petitioners. *Messrs. Charles E. Wyzanski, Jr., Archibald Cox, and Emery J. Woodall* for First Federal Savings & Loan Assn., respondent. *Solicitor General Jackson, Assistant Solicitor General Bell, and Mr. Warner W. Gardner* for the United States, intervening-respondent. By leave of Court, *Messrs. John B. Hollister, Horace Russell, Robert A. Taft, John R. Bullock, and Robert B. Jacoby* filed a brief on behalf of the Federal Savings & Loan Division of the United States Building & Loan League, as *amicus curiae*, in support of respondent. Reported below: 97 F. 2d 831.

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PETITIONS FOR REHEARING GRANTED, FROM  
OCTOBER 3, 1938, THROUGH JANUARY 16, 1939.

NO. 10. *UNITED STATES v. ONE 1936 MODEL FORD V-8 DE LUXE COACH.* November 7, 1938. Petition for rehearing granted. The judgment of affirmance entered October 17, 1938, *ante*, p. 564, is vacated and the case is restored to the docket for reargument. *Solicitor General Jackson, Assistant Attorney General McMahon, and Messrs. Gordon Dean, Mahlon D. Kiefer, and W. Marvin Smith* for the United States. *Messrs. Duane R. Dills and Eugene E. Heaton* for respondent. Reported below: 93 F. 2d 771.